



## DECLARATION AND POWER OF ATTORNEY

COPY OF PAPERS  
ORIGINALLY FILED

JAN MAN, declares:

I am a citizen of The Netherlands and a resident of Amstelveen, The Netherlands whose post-office address is Noordammerweg 104A, Amstelveen, The Netherlands.

I believe myself to be the original, first and sole inventor of the improvement entitled BEGONIA PLANT NAMED 'NADINE' which is described and claimed in United States Plant Patent Application Serial No. 10/008,292, filed November 13, 2001.

I discovered the new and distinct variety in a cultivated area and have asexually reproduced the new and distinct variety.

I have received and understand the contents of the specification, including the claim.

I do not know and do not believe that the same was ever known or used in the United States before my invention thereof; or patented or described in any printed publication in any country before my invention or more than one year prior to this application; or in public use or on sale in the United States more than one year prior to this application.

Said invention has not been patented or been made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

That applications for plant breeders' rights on said invention have been filed by me or my legal representatives or assigns in countries foreign to the United States as follows:

<u>Country</u>	<u>Filing Date</u>	<u>Application No.</u>	<u>Grant Date</u>	<u>Grant No.</u>
Netherlands	17/09/1999	BGN 268	08/01/2000	19508

No application for patent or inventor's certificate has been filed by me or by my legal representative or assignee in any country foreign to the United States.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint William H. Logsdon, Registration No. 22,132; Russell D. Orkin, Registration No. 25,363; David C. Hanson, Registration No. 23,024; Richard L. Byrne,

Registration No. 28,498; Frederick B. Ziesenheim, Registration No. 19,438; Kent E. Baldauf, Registration No. 25,826; Barbara E. Johnson, Registration No. 31,198; Paul M. Reznick, Registration No. 33,059; John W. McIlvaine, Registration No. 34,219; Blynn L. Shideler, Registration No. 35,034; Julie W. Meder, Registration No. 36,216; Lester N. Fortney, Registration No. 38,141; Randall A. Notzen, Registration No. 36,882; James G. Porcelli, Registration No. 33,757; Kent E. Baldauf, Jr., Registration No. 36,082; Christian E. Schuster, Registration No. 43,908; Dean E. Geibel, Registration No. 42,570; Thomas J. Clinton, Registration No. 40,561; Nathan J. Prepelka, Registration No. 43,016; Jessica M. Schroth, Registration No. 47,102; Kirk M. Miles, Registration No. 37,891; J. Matthew Pritchard, Registration No. 46,228; Gary F. Matz, Registration No. 45,504; Darrell E. Williams, Registration No. 45,222; and Alka A. Patel, Registration No. 49,092, whose post-office address is 700 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219-1818, Telephone No. 412-471-8815, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, to amend the specification, to appeal in case of rejection, as they may deem advisable, to receive the patent when granted and generally to do all matters and things needful in the premises, as fully and to all intents and purposes as I could do.

**All correspondence and telephone calls should be addressed to Russell D. Orkin.**

I hereby subscribe my name to the foregoing specification and claims, declaration and power of attorney this 9 day of August, 2002.

Inventor

  
Jan Man

NEDERLANDS RASSENREGISTER  
- Register van inschrijving

VOLGNR. INSCHRIJVING: 19508

betreft aanvraag d.d. : 17/09/1999 volgnr.: BGN 268  
soort aanvraag : artikel 18.1a. ZPW  
gewas : begonia  
voorlopige aanduiding : BB GABRA  
rasbenaming : Nadine  
datum inschrijving : 08/01/2001

GEMACHTIGDE BIJ INSCHRIJVING:

Begonia Breeders Association B.V., p/a Middenweg 4, 2161 LR LISSE

RECHTHEBBENDE(N) BIJ INSCHRIJVING:

Begonia Breeders Association B.V., Machineweg 206, 1432 EV AALSMEER

Vastgestelde beschrijving : zie bijgevoegd beschrijvingsblad

MUTATIES

Op 22/02/01 is in het Nederlands rassenregister aangetekend dat de machtiging is overgegaan op:  
Mr. T. van den Bout, Postbus 50, 2270 AB VOORBURG



05 AUG. 2002

Geheim  
NIE SECRET

**UPOV-Sortenbeschreibung**  
UPOV-Variety description

1. **Referenznummer der berichtenden Behörde:** BGE 494  
Reference number of reporting authority:
  2. **Referenznummer der beantragenden Behörde:** BGN 268  
Reference number of requesting authority:
  3. **Referenz des Züchters:** BB Gabra  
Breeder's reference:
  4. **Antragsteller/in (Name und Adresse):** Begonia Breeders  
Applicant (name and address): Association B.V.  
Machineweg 206  
1432 EV Aalsmeer  
NIEDERLANDE
- 
5. **Botanische Bezeichnung des Taxons:** Begonia x hiemalis Fotsch  
Botanical name of taxon:
  6. **Landesübliche Bezeichnung des Taxons:** Elatior-Begonie  
Common name of taxon:
  7. **Sortenbezeichnung:** -  
Variety denomination:
  8. **Datum und Dokumentennummer der UPOV-Prüfungsrichtlinie:** 1986-11-21 TG/18/4  
Date and document number of UPOV Test Guidelines:
  9. **Datum und/oder Dokumentennummer der nationalen Prüfungsrichtlinie:**  
Date and/or document number of national Test Guidelines:
  10. **Prüfende Behörde:** Bundessortenamt  
Testing authority:
  11. **Prüfungsstation(en) und -ort(e):** Prüfstelle Hannover  
Testing station(s) and place(s):
  12. **Prüfungsperiode:** 2000  
Period of testing:
  13. **Ausstellungsdatum und -ort des Dokuments:** 12.10.2000 - Hannover  
Date and place of issue of document:



Continued  
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14. Gruppe: (wenn Merkmale der Nummer 15 für die Gruppierung verwendet werden, sind sie in der Nummer mit einem G gekennzeichnet)

Group: (if characteristics of number 15 are used for grouping they are marked with a G in that number)

15. In den UPOV-Prüfungsrichtlinien oder den nationalen Prüfungsrichtlinien aufgeführte Merkmale:  
Characteristics included in the UPOV Test Guidelines or national Test Guidelines:

UPOV Nr. No.	Merkmale Characteristics	Ausprägungsstufen State of Expression	Note	Bemerkungen Remarks
1	<b>Pflanze: Höhe der Laubzone</b> Plant: height of foliage	<b>mittel bis hoch</b> medium to tall	6	
2	<b>Pflanze: Breite (einschließlich Blüten)</b> Plant: width (including flowers)	<b>breit</b> broad	7	
3	<b>Pflanze: Anzahl Grundtriebe</b> Plant: number of basal shoots	<b>gering</b> few	3	
4	<b>Pflanze: Anzahl Verzweigungen der Grundtriebe</b> Plant: number of branches on basal shoots	<b>mittel bis groß</b> medium to many	6	
5	<b>Trieb: Dicke des Internodiums unterhalb des ersten Blütenstandes</b> Stem: thickness of internode below first inflorescence	<b>dick</b> thick	7	
6	<b>Blattspreite: Länge der Mittelrippe</b> Leaf blade: length of midrib	<b>mittel bis lang</b> medium to long	6	
7	<b>Blattspreite : Breite</b> Leaf blade: width	<b>mittel bis breit</b> medium to broad	6	
8	<b>Blattspreite: Farbe der Oberseite</b> Leaf blade: color of upper side	<b>dunkelgrün</b> dark green	3	
9	<b>Blattspreite: Farbe der Unterseite</b> Leaf blade: color of lower side	<b>hellgrün</b> light green	1	
10	<b>Blattspreite: Glanz der Unterseite</b> Leaf blade: glossiness of lower side	<b>stark</b> strong	7	
11	<b>Blattspreite: Basis</b> Leaf blade: base	<b>geschlossen</b> closed	5	
12	<b>Blattspreite: Form der Spitze</b> Leaf blade: shape of apex	<b>spitz</b> acute	1	
13	<b>Blattspreite: Breite der Spitze</b> Leaf blade: width of apex	<b>schmal bis mittel</b> narrow to medium	4	
14	<b>Blattspreite: Art der Randeinschnitte</b> Leaf blade: type of incisions of margin	<b>doppelt gekerbt</b> bi-crenate	4	
15	<b>Blattspreite: Tiefe der Randeinschnitte</b> Leaf blade: depth of incisions of margin	<b>flach</b> shallow	3	
16	<b>Blattspreite: Randwellung</b> Leaf blade: undulation of margin	<b>sehr gering bis gering</b> very weak to weak	2	
17	<b>Blütenstand: Dichte</b> Inflorescence: density	<b>dicht</b> dense	7	
18	<b>Hochblatt: Größe</b> Bract: size	<b>klein</b> small	3	
19	<b>Hochblatt: Farbe</b> Bract: color	<b>grün</b> green	1	
20	<b>Hochblatt: Spitze</b> Bract: apex	<b>spitz</b> acute	1	
21	<b>Blüte: Durchmesser</b> Flower: diameter	<b>klein bis mittel</b> small to medium		
G 22	<b>Blüte: Typ</b> Flower: type	<b>gefüllt</b> double		
23	<b>Blüte: Anzahl Blütenblätter</b> Flower: number of petals	<b>gering</b> few		
24	<b>Blüte: Änderung der Blütenblattgröße</b> Flower: change in petal size	<b>gleichmäßig</b> gradual		
25	<b>Äußeres Blütenblatt: Farbe des Randes der Oberseite</b> Outer petal: color of margin of upper side	<b>gelborange</b> yellow orange		



05 AUG 2012

Certificat

UPOV Nr. No.	Merkmale Characteristics	Ausprägungsstufen State of Expression	Note	Bemerkungen Remarks
26	<b>Äußeres Blütenblatt: Farbe der Mitte der Oberseite</b> Outer petal color of middle of upper side	<b>gelborang</b> = yellow orange	RHS 019A	
27	<b>Äußeres Blütenblatt: Farbe der Mitte der Unterseite</b> Outer petal color of middle of lower side	<b>hellgelborange</b> light yellow orange	RHS 018B	
28	<b>Inneres Blütenblatt: Farbe des Randes der Oberseite</b> Inner petal: color of margin of upper side	<b>gelborange</b> yellow orange	RHS 016A	
G 29	<b>Inneres Blütenblatt: Farbe der Mitte der Oberseite</b> Inner petal: color of middle of upper side	<b>gelborange</b> yellow orange	RHS 021B	
30	<b>Inneres Blütenblatt: Farbe der Mitte der Unterseite</b> Inner petal: color of middle of lower side	<b>hellgelborange</b> light yellow orange	RHS 021D	
31	<b>Blüte: Einschnitte des Blütenblattes</b> Flower: incisions of petal	<b>fehlend</b> absent	1	
32	<b>Blüte: Wellung des Blütenblattes</b> Flower: undulation of petal	<b>fehlend</b> absent	1	
33	<b>Blüte: Antherenfarbe bei Blühbeginn</b> Flower: color of anthers at beginning of flowering	-	-	nicht anwendbar not applicable
34	<b>Blüte: Antherenfarbe bei Abblüte</b> Flower: color of anthers at the end of flowering	-	-	nicht anwendbar not applicable
35	<b>Zeitpunkt des Blühbeginns nach Kurztagbehandlung</b> Time of beginning of flowering after shortday treatment	<b>früh</b> early	3	
36	<b>Zeitpunkt des Blühbeginns im natürlichen Langtag</b> Time of beginning of flowering under natural long days	<b>früh bis mittel</b> early to medium	4	

#### 16. Ähnliche Sorten und Unterschiede zu diesen Sorten:

Similar varieties and differences in relation to those varieties:

Bezeichnung der ähnlichen Sorte Denomination of similar variety	Merkmal, in dem die ähnliche Sorte unterschiedlich ist Characteristics, in which the similar variety is different	Ausprägungsstufe der ähnlichen Sorte (Note) State of expression of similar variety	Ausprägungsstufe der Kandidatensorte (Note) State of expression of the candidate variety
Rhianne (BGE 451)	27 <b>Äußeres Blütenblatt: Farbe der Mitte der Unterseite</b> Outer petal: color of middle of lower side	RHS 025D	RHS 018B
	30 <b>Inneres Blütenblatt: Farbe der Mitte der Unterseite</b> Inner petal: color of middle of lower side	RHS 024D	RHS 021D
	<b>zusätzliches Merkmal:</b> <b>Blütenstiel: Farbe</b> <u>additional characteristic:</u> peduncle: color	<b>rötlich</b> reddish	<b>grünlich</b> greenish

#### 17. Zusätzliche Informationen:

Additional information:

a) **Zusätzliche Daten:**  
Additional data:

b) **Bemerkungen:**  
Remarks:

Das Merkmal 23 ist nur anwendbar bei Sorten mit gefüllten Blüten. Die Merkmale 33 und 34 sind nur anwendbar bei Sorten mit einfachen Blüten und sichtbaren Antheren.

Characteristic 23 is applicable to varieties with double flowers only. Characteristics 33 and 34 are applicable to varieties with single flowers and visible anthers only.

RHS: Royal Horticultural Society Colour Chart, 1986



# RAAD VOOR HET KWEKERSRECHT

adres: Nudestraat 15 Wageningen

correspondentieadres: Postbus 104, 6700 AC WAGENINGEN

telefoon: 0317 419031 telefax: 0317 425867

postgiro: 198113 rabobank: 3970.01.258

UITSLUITEND VOOR DE RAAD

aanvraagnr. **BGN 268**

form.ontv. : **15 SEP. 1999 \*09 00**

betaling ontv.: **17 SEP. 1999 \*24 00**

tijdstip aanvr: **17 SEP 1999 \*24 00**

## AANVRAAG TOT VERLENING VAN KWEKERSRECHT (2 exemplaren inzenden)

### 1. AANVRAGER(S) (naam, adres met postcode, tel.nr., faxnr.):

Begonia Breeders Association B.V.  
Postbus 88  
1430 AB Aalsmeer  
Dhr. W. v.d. Merbel (secretaris)  
Telnr. 0297-327274  
Faxnr. 0297-340119  
Nationaliteit: NL

### 2. CORRESPONDENTIEADRES (indien ander dan onder 1)

Begonia Breeders Association B.V.  
p/a Middenweg 4  
2161 LR Lisse Dhr. R.P. Man  
Tel: 0252-219015  
Fax: 0252-218073  
dit is het adres:  
☐ van één van de aanvragers  
☒ van de gemachtigde (volmachtformulier bijgevoegd)  
☐ voor dienstcorrespondentie

### 3. GEWAS (Latijnse en Nederlandse benaming):

Begonia Elatior

### 4. VOORLOPIGE AANDUIDING: BB GABRA

RASBENAMING : NADINE  
(form. AR55X2 meezend)

### 5. a. KWEKER(S) is (zijn) (indien ander dan onder 1):

Het ras is naar de aanvrager(s) overgegaan:

- ☐ door overeenkomst tot eigendomsoverdracht (copie bijgesloten)  
☐ door successie (copie akte bijgesloten)  
☐ op andere wijze (te specificeren als volgt)

### b. Het ras is gekweekt in land(en): NEDERLAND

6. Eerdere aanvragen voor dit ras in het buitenland	land en datum	aanvraagnummer	stadium	rasbenaming of voorlopige aanduiding
voor kwekersrecht				
voor de officiële rassenlijst				

### 7. Er wordt aanspraak gemaakt op het recht van voorrang (art.34 Zaaizaad- en Plantgoedwet) op grond van de aanvraag ingediend in (UPOV-LAND): onder aanvraagnr.: op (datum):

Indien op basis hiervan uitstel onderzoek gewenst is dit hier aangeven: ☐ ja

### 8. a. Het ras is in Nederland

- ☒ niet te koop aangeboden of verhandeld  
☐ voor de eerste keer te koop aangeboden of verhandeld  
op datum :  
onder de benaming:

### b. Het ras is in het buitenland

- ☒ niet te koop aangeboden of verhandeld  
☐ voor de eerste keer te koop aangeboden of verhandeld  
op datum :  
onder de benaming:

### 9. Hierbij wordt machtiging gegeven aan de Raad voor het Kwekersrecht om met elke bevoegde instantie in een ander UPOV-land alle nodige inlichtingen uit te wisselen, die betrekking hebben op het ras, mits de rechten van de aanvrager gewaarborgd zijn.

### 10. Bijgevoegde formulieren en stukken

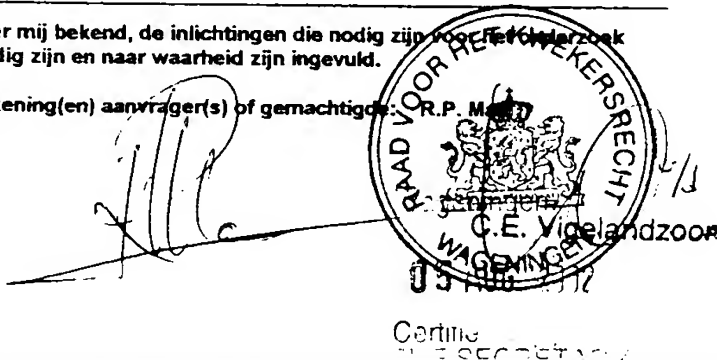
- ☒ technische vragenlijst ☒ naamsvoorstelformulier AR55X2 ☐ gewaarm.afschriften ☐ andere stukken  
☒ volmachtformulier ☐ (copie) akte eigendomsoverdracht ☐ foto's

Ik verzoek hierbij kwekersrecht te verlenen. Ik verklaar hierbij, dat voor zover mij bekend, de inlichtingen die nodig zijn voor het onderzoek van de aanvraag en die op dit formulier en in de bijlagen zijn gegeven, volledig zijn en naar waarheid zijn ingevuld.

Plaats/datum: Lisse, 14-7-1999

Handtekening(en) aanvrager(s) of gemachtigde(n)

AR1



Reference nr: BGN 268

TECHNICAL QUESTIONNAIRE  
to be completed in connection with  
an application for plantbreeder's rights

Application date:

17 SEP. 1988 \*2400  
290787

1. Species Begonia Elatior hybrids (syn.: Begonia x hiemalis Fotsch.)  
ELATIOR BEGONIA (DE)

2. Applicant(s) (name, address, telephone, telex)  
BEGONIA BREEDERS ASSOCIATION B.V. TEL.: 0252-219015  
P/A MIDDENWEG 4 FAX: 0252 218090  
2161 LR LISSE HOLLAND

3. Breeder's reference  
BB GABRA

4. Information on origin, maintenance and reproduction of the variety

4.1 Origin

- i) Seedling (indicate parent varieties) ( )
- ii) Mutation (indicate parent variety) from BRITT (X)
- iii) Discovery (indicate where and when) ( )

4.2 Other information

5. Characteristics of the variety to be given (the number in brackets refers to the corresponding characteristic in the UPOV test guideline TG/18/4; please mark the state of expression which best corresponds; in the case where for one characteristic two possibilities are presented, please complete the first possibility (i) if data are available; otherwise complete the second (ii))

Characteristics	Example Varieties	Note
5.1 Leaf blade: color of upper side light green (8)		<input checked="" type="checkbox"/> 1
medium green	Aphrodite, Baluga	2
dark green	Connie, Obiant	3
reddish green		4
reddish brown	Hokaido, Krefeld	5
5.2 Leaf blade: color of lower side light green (9)	Schwabenland	1
medium green	Stromboli	2
dark green	Kolita	<input checked="" type="checkbox"/> 3
reddish green	Krefeld	4
reddish brown	Obina	5



05 AUG. 1988

Continued  
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## Characteristics

## Example Varieties Note

5.3 Flower: type  
(22)

single  
double

1  
2

5.4 (i) Inner petal: color of  
(29) middle of upper side

RHS Colour Chart (indicate reference number)

RHS 13A

5.4 (ii) Inner petal: color of  
middle of upper side

white  
yellow  
orange pink  
orange  
red  
blue pink  
blue red

1  
2  
3  
4  
5  
6  
7

## 6. Similar varieties and differences from these varieties

Variety  
BRITT

Difference

Coulor is DARK YELLOW TO Orange yellow as Britt is  
Dark Orange

## 7. Additional information which may help to distinguish the variety

7.1 Resistance to pests and diseases  
high tolerance to mildew

7.2 Special conditions for the examination of the variety

7.3 Other information

Date, 14-7-99

Signature, R.P. Man



05 AUG 1999

Con.  
THE SECRETARY